



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

# State Water Resources Control Board

## Division of Water Rights

1001 I Street, 14<sup>th</sup> Floor • Sacramento, California 95814 • (916) 341-5300  
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000  
FAX (916) 341-5400 • Web Site Address: <http://www.waterrights.ca.gov>



**Gray Davis**  
Governor

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.  
For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.*

SEP 25 2003

In Reply Refer

To: sjw:A22781/S004916

Robin K. Jepsen  
3785 Via Nona Marie, Suite 309  
Carmel, CA 93923

Dear Ms. Jepsen:

**WATER RIGHT LICENSE 10063 (APPLICATION 22781) AND STATEMENT OF WATER  
DIVERSION AND USE S004916, GARRAPATA CREEK TRIBUTARY THE PACIFIC  
OCEAN, MONTEREY COUNTY**

We have received your signed notice of assignment transferring interest in the above water right from Dr. Seeley W. Mudd II, deceased, to The Big Sur Land Trust, and the agent assignment authorizing you as the authorized agent for matters concerning water rights associated with the above property. Also included in your package were the following: Reports of Licensee for License 10063 for the years 1996 through 1998 and 1999 through 2001; Statements of Water Diversion and Use for Number S004916 for the years 1996 through 1998 and 1999 through 2001; and a copy of the Order for Preliminary Distribution and for Allowance on Account of Compensation with regards to the estate of Seeley W. Mudd II, deceased.

In a telephone conversation with Susan Wilson of our staff, you confirmed that you, as authorized agent, would be the primary contact person for water right matters, rather than Zad Leavy, Executive Director of The Big Sur Land Trust, as was indicated on the enclosed reports and statements. Our records will be changed as follows:

Application:	A022781
License:	010063
Face Value of Water Right:	9.8 acre-feet-per-annum, at a maximum Diversion rate of 0.30 cfs to off-stream storage
Owner:	The Big Sur Land Trust, Zad Leavy, Executive Director
Owner Address:	P.O. Box 221864 Carmel, CA 93922
Mail Code Designee:	Robin Jepsen, Esq. (Authorized Agent)
Mail Address:	Law Offices of Zad Leavy & Robin Jepsen 3785 Via Nona Marie, Suite 309 Carmel, CA 93923
Telephone:	(831) 624-6061

SURNAME

9/24/03 - M/K 9/24/03 - WMS 9/25/03 -  
Wilson

SEP 25 2003

Additionally, we will need the Monterey County Assessor's Parcel Numbers (APN) for the Point of Diversion (POD), and the Place of Use (POU) (Quail Lake) for License A022781 to complete our database information.

The mailing and ownership information will also be changed in our records for Statement of Diversion and Use for Statement Number S004916.

Your prompt attention to this matter will be most appreciated. You can email the APNs to Susan Wilson at [swilson@waterrights.swrcb.ca.gov](mailto:swilson@waterrights.swrcb.ca.gov) or call her at (916) 341-5315.

Sincerely,

ORIGINAL SIGNED BY:

Mark Stretars, Chief  
Compliance Unit

bcc: Koso Nodohara

SJW:llv 09/24/03

U:\Herdry\SWilson\A022781 Big Sur Land Trust OI ltr.doc

State of California  
State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**  
P.O. Box 2000, Sacramento CA 95812-2000

STATE WATER RESOURCES  
CONTROL BOARD

2003 SEP -9 AM 9:23

DIV. OF WATER RIGHTS  
SACRAMENTO

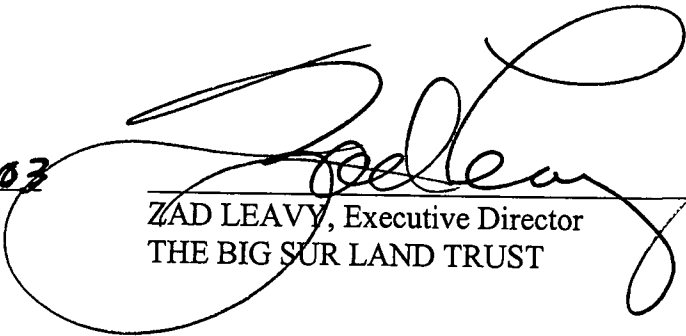
## AGENT ASSIGNMENT

Until further notice the following person is authorized to act as the agent for the undersigned in matters before the Division of Water Rights pertaining to **License No. 010063**, as well as any other water rights matters, and is authorized to receive and submit reports, documents, and correspondence regarding this water right filing.

**Robin Jepsen, Esq.**  
**Law Offices of Zad Leavy & Robin Jepsen**  
**3785 Via Nona Marie, Suite 309, Carmel CA 93923**  
**Tel: 831-624-6060**  
**Fax: 831-625-1250**

Date:

*Sept. 5, 2003*

  
\_\_\_\_\_  
ZAD LEAVY, Executive Director  
THE BIG SUR LAND TRUST

State of California  
State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**  
P.O. Box 2000, Sacramento CA 95812-2000

STATE WATER RESOURCES  
CONTROL BOARD

2003 SEP - 9 AM 9:23

DIV. OF WATER RIGHTS  
SACRAMENTO

## NOTICE OF ASSIGNMENT

State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000  
Sacramento CA 95812-2000

Re: **All Appropriative and Riparian Rights;  
License No. 010063**

Ladies and Gentlemen:

This is to notify you that SEELEY W. MUDD, II, the former owner of the above rights died on September 21, 2000. In his Will he gifted all his right title and interest in and to the real property known as Glen Deven Ranch, Monterey County, including all his right title and interest in all riparian and appropriative water rights on the property, and **License No. 010063**, to: **THE BIG SUR LAND TRUST, a California nonprofit public benefit corporation, P.O. Box 221864, Carmel CA 93922, Tel: 831-625-5523**. Please see the attached copy of the Order of the Superior Court of California, Monterey County, entitled "Order for Preliminary Distribution and for Allowance on Account of Compensation Estate of Seeley W. Mudd II, deceased, Case No. MP 15197", attached hereto and incorporated herein by reference. (Please note that Exhibit A to said Order, which contains the legal description of the property, is omitted due to length of document. Please contact this us if you need a copy of same.)

Date:

*Sept. 5, 2003*

  
ZAD LEAVY, Executive Director  
THE BIG SUR LAND TRUST

Joseph F. Pitta  
Monterey County Recorder  
Recorded at the request of  
**Attorney**

CRJAZIEEL  
4/12/2001  
14:43:37

WHEN RECORDED MAIL TO:

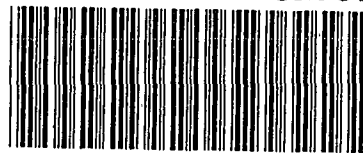
STEVEN D. PEJROSE

LOMBARDO & GILLES

318 CAYUGA ST 1ST FLOOR

SALINAS CA 93901

DOCUMENT: 2001027870



\*2001027870\*

Titles: 1/ Pages: 42

Fees.... 131.00

Taxes...

Other .. 14.00

AMT PAID \$145.00

THIS SPACE FOR RECORDER'S USE ONLY

**TITLE OF DOCUMENT**

ORDER FOR PRELIMINARY DISTRIBUTION  
AND FOR ALLOWANCE ON ACCOUNT OF  
COMPENSATION

1 Steven D. Penrose, Esq. #090183  
2 LOMBARDO & GILLES  
3 318 Cayuga Street, 1<sup>st</sup> Floor  
4 P. O. Box 2119  
5 Salinas, CA 93901  
6 Telephone: (831) 754-2444

7 Attorneys for Co-Executors,  
8 Edward G. Bernstein, Seymour Bond and  
9 Wells Fargo Bank, N. A.

STATE WATER RESOURCES  
CONTROL BOARD

FILED APR 10 9 AM 9:23

APR 10 2001  
SACRAMENTO  
SHERRIL L. PEDERSEN  
CLERK OF THE SUPERIOR COURT  
DEPUTY

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 IN AND FOR THE COUNTY OF MONTEREY

12 IN RE:

No. MP 15197

13 Estate of

ORDER FOR PRELIMINARY  
DISTRIBUTION AND FOR  
ALLOWANCE ON ACCOUNT OF  
COMPENSATION

14 SEELEY W. MUDD II,

15 Deceased.

Date: April 6, 2001  
Time: 10:30 a.m.  
Dept.: 14

16  
17 Petitioners, EDWARD G. BERNSTEIN, SEYMOUR BOND and WELLS FARGO  
18 BANK, N.A., Co-Executors of the Estate of SEELEY W. MUDD, II, deceased, having filed  
19 herein a petition for preliminary distribution, and the petition coming on regularly for hearing on  
20 April 6, 2001, the Honorable Robert O'Farrell presiding, the court finds:

21 1. Notice

22 Notice of the hearing on the petition has been given for the period and in the manner  
23 required by law.

24 2. Allegations

25 All the allegations of the petition are true.

26 3. Date of Death

27 The decedent died testate on September 21, 2000, in the County of Monterey, State of  
28 California, and was a resident of that County.

1 4. Appointment of Executors

2 The decedent's Will dated May 24, 1999 was admitted to probate by order of this court  
3 on November 8, 2000. Letters Testamentary with authority to administer the estate under the  
4 Independent Administration of Estate Act were issued to Petitioners on November 8, 2000. At  
5 all times since then Petitioners have been and are the duly qualified and acting Executors of the  
6 estate.

7 5. Notice Given

8 The Notice of Petition to Administer Estate was given for the period and in the manner  
9 prescribed by law, and Proof of Publication is on file with this court.

10 More than four months have elapsed since the date of first issuance of Letters  
11 Testamentary in this estate and the time for filing claims expired on March 8, 2001.

12 6. Creditor's Claims

13 No claims have been filed with the court or with the Executors. All debts of the decedent  
14 and of the estate, including publication charges, and all current expenses incurred, except  
15 attorneys' fees and Executor's fees have been paid.

16 7. Inventory

17 Inventory and Appraisal (Partial No. 1) in the amount of \$7,000,000.00, together with a  
18 property tax certificate, and Inventory and Appraisal (Partial No. 2) in the amount of  
19 \$83,000.00, and Inventory and Appraisal No. 3 in the amount of \$13,103,653.31 are on file  
20 herein, showing assets totaling \$20,186,653.31.

21 8. Taxes

22 The California and Federal Estate Tax returns for the estate have not yet been filed and  
23 are not yet due, and the estate taxes have not been finally determined or paid.

24 9. Character of Estate Property

25 The estate consists entirely of the separate property of the decedent.

26 10. Propriety of Proposed Preliminary Distribution

27 Although the estate is not now in a condition to be closed, there may be distributed at this  
28 time, without loss to creditors or injury to the estate or anyone interested in it, the property

described in the petition in accordance with the Will.

11. No Bond Required

The distribution may be made without requiring any distributee named herein to execute a bond payable to the Executors.

12. Allowance For Compensation

An allowance may be made for statutory compensation as set forth below.

IT IS ORDERED THAT:

1. The preliminary distribution requested in the petition is granted and the court makes its order for preliminary distribution as set forth below:

A. To ELIZABETH D. HURT, SEELEY WINTERSMITH MUDD III, JOHN BARBER MUDD and WILLIAM HARVEY MUDD, all of decedent's tangible personal property, not otherwise effectively disposed of in decedent's Will or any other manner, including decedent's interest in any insurance on that property, to be divided among them as they believe to be in accordance with decedent's wishes. If the beneficiaries are not able to agree on a division, the Executor shall divide the property as the Executor believes to be in accordance with decedent's wishes, in such manner as the Executor desires, the decision of the Executor as to this division to be final and incontestable by anyone, without further order from this court. Any of decedent's tangible personal property found on Glen Deven Ranch at decedent's death, that these beneficiaries do not wish to accept hereunder shall be added to the residue of the estate.

B. To THE BIG SUR LAND TRUST, a California non profit public benefit corporation, an organization described in Internal Revenue Code section 2055(a) at the time of decedent's death, all decedent's right, title and interest in all that real property known as Glen Deven Ranch located in Monterey County, California, consisting of approximately Eight Hundred fifty (850) acres or more, and more particularly described on Exhibit A attached and incorporated herein, together with all (i) improvements (ii) ranch equipment, including but not limited to shop tools, vehicles and equipment, excepting only the 1995 Jeep, license plate number 3JLJ131, Vehicle Identification Number 1J4GZ78Y5SC525641, and the 1990 Lexus,



1 License Plate Number 2SXN101, Vehicle Identification Number JT8UF11E9L0025238, and (iii)  
2 tangible personal property thereon not otherwise effectively disposed of under other provisions of  
3 this Will (all collectively referred to herein sometimes as "Glen Deven Ranch"), together with  
4 Decedent's interest in the insurance on such real and personal property.

5 B.1. Glen Deven Ranch shall pass subject to any liens and encumbrances,  
6 without exoneration.

7 B.2. Glen Deven Ranch shall be held and administered in perpetuity by The  
8 Big Sur Land Trust in a manner that will preserve the entire gift intact and protect the natural,  
9 open space, aesthetic and ecological features of the property and its unique beauty for public  
10 benefit. In pursuance thereof, Glen Deven Ranch shall not be used or improved in a way that  
11 would degrade, impair, disrupt or interfere with the scenic, open and predominately natural  
12 undeveloped character of it and in pursuance thereof,

13 B.3. Glen Deven Ranch shall not be used in any manner or subjected to any  
14 activities which would cause or increase erosion of soils from or on it or substantially increase  
15 the risk thereof;

16 B.4. There shall be no exploration for or extraction of minerals, hydrocarbons,  
17 soils or other materials on or below the surface of Glen Deven Ranch in such a way as to change  
18 in the surface land or any of the natural formations thereon;

19 B.5. No water shall be removed from Glen Deven Ranch, except for fire  
20 suppression and emergency purposes;

21 B.6. The cutting of trees or vegetation of any nature shall be solely for the  
22 purposes of (i) controlling or preventing disease, (ii) controlling fire and carrying out fire  
23 suppression management, as deemed necessary by any governmental agency having jurisdiction.  
24 (iii) restoring natural habitat areas and (iv) protecting existing structures, and/or preventing  
25 conditions that would be dangerous to life, limb or property;

26 B.7. No off-road vehicles shall be used on Glen Deven Ranch except on  
27 existing roadways or for emergencies or necessary maintenance;  
28

1 B.8. No refuse, waste, debris, vehicle bodies or parts, or any other unsightly or  
2 offensive materials shall be dumped or stored on Glen Deven Ranch; and

3 B.9. No game or sport hunting shall be permitted on or within the confines of  
4 Glen Deven Ranch.

5 B.10. Any improvements to or on Glen Deven Ranch shall be used solely for  
6 any or all of the following purposes:

7 a. environmentally oriented conferences and meetings all within the  
8 purposes and objectives of The Big Sur Land Trust as they stand on the date of execution of the  
9 Will (May 24, 1999);

10 b. retreat for charities to which gifts qualify for a deduction from  
11 federal estate tax under Section 2055 of the Internal Revenue Code in a manner that inures to  
12 public benefit;

13 c. headquarters for The Big Sur Land Trust;

14 d. a library or research center for natural history, environmental  
15 issues, ecological issues or natural resources information; and

16 e. other educational and fund raising efforts for the public benefit in  
17 furtherance of the purposes and objectives of The Big Sur Land Trust.

18 B.11. Whatever use is to be made of Glen Deven Ranch, it shall be known and  
19 referred to as, to wit, "Glen Deven Ranch."

20 B.12. Nothing set forth in this paragraph shall be interpreted to limit the right of  
21 the Charity to:

22 a. maintain, repair, replace and enhance existing buildings, roads,  
23 trails, trail/road signs, fences and other improvements on Glen Deven Ranch as necessary for the  
24 domestic and other purposes of the Charity provided such uses are consistent with the purposes  
25 stated in this paragraph;

26 b. establish new trails in a manner consistent with the purposes set  
27 forth in this paragraph in order to enhance the enjoyment of the natural, open space, aesthetic  
28

1 and ecological features of Glen Deven Ranch;

2 c. utilize Glen Deven Ranch in furtherance of the goals and purposes  
3 of the Charity in a manner consistent with the purposes of this gift, and to further the purpose of  
4 fund raising, environmental education and other activities supportive of the Charity's nonprofit  
5 public benefit activities, including without limitation, inviting limited public access in the  
6 forested portions of Glen Deven Ranch, and inviting limited public use of the developed facilities  
7 on Glen Deven Ranch; provided further, nothing herein shall be interpreted to grant physical  
8 access by members of the public over Glen Deven Ranch or any part thereof; and

9 d. construct additional structures which are consistent with the  
10 purpose of this paragraph that will not impair or degrade the natural, open space, aesthetic or  
11 ecological features of Glen Deven Ranch, but are necessary to further enhance the enjoyment of  
12 the natural habitat and vistas; whenever possible such additional structures shall be constructed in  
13 close proximity to existing structures in order to avoid disturbing natural vegetation, open space  
14 and vistas, except where necessary to construct structures for security purposes.

15 e. Any deed, decree or other instrument transferring Glen Deven  
16 Ranch from decedent's estate and any subsequent transfer thereafter shall contain the language  
17 set forth in paragraphs B.1-12 above. These provisions constitute covenants that run with the  
18 land and restrict the use thereof for public benefit in perpetuity.

19 C. To JAMES COX and BARBARA COX the sum of Five Hundred Thousand  
20 Dollars and no/100 (\$500,000.00) as Joint Tenants with the right of survivorship.

21 D. To JAMES COX and BARBARA COX, as joint tenants with the right of  
22 survivorship, all decedent's livestock, consisting of one (1) horse and two (2) burros.

23 E. To JUN MARCELINO, aka VIRGILIO MARCELINO, decedent's pet poodle.  
24 Pepe Le Moko ("Pepe") for lifetime care together with all leashes, collars, toys, doghouses, beds  
25 and other items used for the care, amusement and maintenance of a dog, and the sum of Ten  
26 Thousand Dollars (\$10,000.00) to be used exclusively to ensure the property maintenance,  
27 upkeep, veterinary care and other expenses pertaining to the health, grooming, feeding and well-  
28

1 being of Pepe; provided, that any of the said sum remaining after the death of Pepe shall be  
2 retained by JUN MARCELINO as an unrestricted gift; and also, when the times comes for Pepe  
3 to be put to death, it should be as humanely as possible. It was decedent's hope that Pepe be  
4 buried on Glen Deven Ranch under the lawn by the big pine tree across from the main entrance  
5 to the house looking across the canyon.

6 F. To EDWARD G. BERNSTEIN, SEYMOUR BOND, and WELLS FARGO  
7 BANK, the Trustees of the Family Trust for the benefit of KATHERINE MORGAN MUDD to  
8 be held, administered and distributed according to the provisions of the Family Trust as set forth  
9 and established in Decedent's Will dated May 24, 1999 at Article 4, copies of pertinent pages of  
10 which are set forth in Exhibit B attached and incorporated herein, the following assets:

11 555 shares American International Group Inc.  
12 Cusip No. 026874107

13 3,111 shares BP Amoco ADR  
14 Cusip No. 055622104

15 222 shares Bristol Myers Squibb Co.  
16 Cusip No. 110122108

17 777 shares Cisco Systems Inc.  
18 Cusip No. 17275R102

19 444 shares Citigroup Inc.  
20 Cusip No. 172967101

21 222 shares Computer Sciences Corp.  
22 Cusip No. 205363104

23 666 shares Costco Wholesale Corp.  
24 Cusip No. 22160K105

25 444 shares Cox Communications Inc. Class A  
26 Cusip No. 224044107

27 333 shares First Data Corp.  
28 Cusip No. 319963104

711 shares Intel Corp.  
Cusip No. 458140100

1/9th Interest in Decedent's Beneficial Interest in  
Mineral Interests held by  
L. W. Wickes Agent Corp.

1 \$10,000.00 Cash

2 G. To EDWARD G. BERNSTEIN, SEYMOUR BOND, and WELLS FARGO  
3 BANK, the Trustees of the Family Trust for the benefit of ELIZABETH D. HURT to be held,  
4 administered and distributed according to the provisions of the Family Trust as set forth and  
5 established in Decedent's Will dated May 24, 1999 at Article 4, copies of pertinent pages of  
6 which are set forth in Exhibit B attached and incorporated herein, the following assets:

7 1,111 shares American International Group Inc.  
8 Cusip No. 026874107

9 6,222 shares BP Amoco ADR  
Cusip No. 055622104

10 444 shares Bristol Myers Squibb Co.  
11 Cusip No. 110122108

12 1,555 shares Cisco Systems Inc.  
Cusip No. 17275R102

13 888 shares Citigroup Inc.  
14 Cusip No. 172967101

15 444 shares Computer Sciences Corp.  
Cusip No. 205363104

16 1,333 shares Costco Wholesale Corp.  
17 Cusip No. 22160K105

18 888 shares Cox Communications Inc. Class A  
Cusip No. 224044107

19 666 shares First Data Corp.  
20 Cusip No. 319963104

21 1,422 shares Intel Corp.  
Cusip No. 458140100

22 2/9th Interest in Decedent's Beneficial Interest in  
23 Mineral Interests held by  
24 L. W. Wickes Agent Corp.

25 \$20,000.00 Cash

26 H. To EDWARD G. BERNSTEIN, SEYMOUR BOND, and WELLS FARGO  
27 BANK, the Trustees of the Family Trust for the benefit of JOHN BARBER MUDD to be held,  
28 administered and distributed according to the provisions of the Family Trust as set forth and

1 established in Decedent's Will dated May 24, 1999 at Article 4, copies of pertinent pages of  
2 which are set forth in Exhibit B attached and incorporated herein, the following assets:

3 1,111 shares American International Group Inc.  
4 Cusip No. 026874107

5 6,222 shares BP Amoco ADR  
6 Cusip No. 055622104

7 444 shares Bristol Myers Squibb Co.  
8 Cusip No. 110122108

9 1,555 shares Cisco Systems Inc.  
10 Cusip No. 17275R102

11 888 shares Citigroup Inc.  
12 Cusip No. 172967101

13 444 shares Computer Sciences Corp.  
14 Cusip No. 205363104

15 1,333 shares Costco Wholesale Corp.  
16 Cusip No. 22160K105

17 888 shares Cox Communications Inc. Class A  
18 Cusip No. 224044107

19 666 shares First Data Corp.  
20 Cusip No. 319963104

21 1,422 shares Intel Corp.  
22 Cusip No. 458140100

23 2/9th Interest in Decedent's Beneficial Interest in  
24 Mineral Interests held by  
25 L. W. Wickes Agent Corp.

26 \$20,000.00 Cash

27 I. To SEELEY WINTERSMITH MUDD III, aka SAM MUDD, the following  
28 assets:

1,111 shares American International Group Inc.  
Cusip No. 026874107

6,222 shares BP Amoco ADR  
Cusip No. 055622104

444 shares Bristol Myers Squibb Co.  
Cusip No. 110122108

1 1,555 shares Cisco Systems Inc.  
Cusip No. 17275R102  
2  
3 888 shares Citigroup Inc.  
Cusip No. 172967101  
4 444 shares Computer Sciences Corp.  
Cusip No. 205363104  
5  
6 1,333 shares Costco Wholesale Corp.  
Cusip No. 22160K105  
7  
8 888 shares Cox Communications Inc. Class A  
Cusip No. 224044107  
9  
10 666 shares First Data Corp.  
Cusip No. 319963104  
11  
12 1,422 shares Intel Corp.  
Cusip No. 458140100  
13  
14 2/9th Interest in Decedent's Beneficial Interest in  
Mineral Interests held by  
L. W. Wickes Agent Corp.  
\$20,000.00 Cash

15 J. To WILLIAM HARVEY MUDD the following assets:

16 1,111 shares American International Group Inc.  
Cusip No. 026874107  
17  
18 6,222 shares BP Amoco ADR  
Cusip No. 055622104  
19  
20 444 shares Bristol Myers Squibb Co.  
Cusip No. 110122108  
21  
22 1,555 shares Cisco Systems Inc.  
Cusip No. 17275R102  
23  
24 888 shares Citigroup Inc.  
Cusip No. 172967101  
25  
26 444 shares Computer Sciences Corp.  
Cusip No. 205363104  
27  
28 1,333 shares Costco Wholesale Corp.  
Cusip No. 22160K105  
888 shares Cox Communications Inc. Class A  
Cusip No. 224044107

666 shares First Data Corp.  
Cusip No. 319963104

1,422 shares Intel Corp.  
Cusip No. 458140100

2/9th Interest in Decedent's Beneficial Interest in  
Mineral Interests held by  
L. W. Wickes Agent Corp.

\$20,00.00 Cash

2. The appointment of Edward G. Bernstein, Seymour Bond and Wells Fargo Bank as Trustees of the testamentary trust ("Family Trust") set forth in decedent's Will dated May 24, 1999 is hereby confirmed, with all powers conferred on the trustees by law in addition to the powers set forth in Decedent's Will dated May 24, 1999, copies of the pertinent pages of which are attached hereto and incorporated herein as Exhibit B. No bond is required of the trustees named herein.

3. The testamentary trust ("Family Trust") set forth and established under decedent's Will dated May 24, 1999 shall be administered and distributed as provided in the terms and conditions set forth in said Will, copies of the pertinent pages of which are set forth in Exhibit B attached and incorporated herein.

4. No bond is required of any distributee named herein.

5. The Executors are authorized and directed to pay \$29,652.66 each to EDWARD BERNSTEIN, SEYMOUR BOND and WELLS FARGO BANK, N.A. for ordinary services rendered to the estate to date.

6. The Executors are authorized and directed to pay \$88,958.00 to their attorneys. LOMBARDO & GILLES, for ordinary legal services rendered to the estate to date plus reimbursement of costs advanced in the amount of \$1,200.91.

DATED: APR 10 2001

  
JUDGE OF THE SUPERIOR COURT



STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
P.O. BOX 2000, SACRAMENTO, CA 95812-2000  
(916) 657-2170

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.  
Notify this office if ownership or address changes occur during the coming year.

STATE WATER RESOURCES  
CONTROL BOARD  
2003 SEP -9 AM 9:24

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1999

DIV. OF WATER RIGHTS  
SACRAMENTO

OWNER OF RECORD: ~~SEELEY W MUDD II, MD~~

The Big Sur Land Trust,  
a California nonprofit public benefit corporation

Zad Leavy  
Law Offices of Zad Leavy and Robin Jepsen  
3785 Via Nona Marie, Suite 309  
Carmel CA 93923

STATEMENT NO: S004916

SOURCE: GARRAPATA CREEK  
TRIBUTARY TO: PACIFIC OCEAN  
COUNTY: MONTEREY  
DIVERSION

WITHIN: NW¼ OF SW¼ SECTION 32, T17S, R1E, MB&M.

(831) 624-6060  
TELEPHONE NUMBER:  
~~(916) 321-4500~~  
YEAR OF FIRST USE: 1895  
PARCEL NO:

A Water is used under: Riparian claim ☒ Pre 1914 right ☒ Other (explain):

B Year of first use (Please provide if missing above)

C Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: Gallons Acre-feet Other

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
1999 1998	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
2000 1997	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
2001 1996	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	

D Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation Approx - 8 acres; Stockwatering 8 horses; Domestic 2-6

Other (specify) Barn, workshop + studio have plumbing for incidental uses.

E Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

None

F Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Describe any water conservation efforts you may have started:

b.

c. If credit toward beneficial use of water under claimed pre 1914 appropriative water right for water not used due to a conservation effort is claimed under section 1011 of the Water Code, please show the amounts of water conserved:

19 (af/mg) 19 (af/mg) 19 (af/mg)

2. Water quality and wastewater reclamation

a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES NO

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
P.O. BOX 2000, SACRAMENTO, CA 95812-2000  
(916) 657-2170

- b. If credit toward use under a claimed pre 1914 appropriative water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of reclaimed water used:

19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg)

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES \_\_\_\_\_ NO \_\_\_\_\_
- b. If credit toward use under a claimed pre 1914 appropriative right through substitution of groundwater in lieu of appropriated water is claimed under section 1011.5 of the Water Code, please show the amounts of groundwater used:

19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg)

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: Aug 4 2003 at Carmel, California

SIGNATURE: [Signature]

PRINTED NAME: ROBIN K. JEPSEN  
(first name) (middle init.) (last name)

COMPANY NAME: Law Offices of Tad Leary & Robin Jepsen

If there is insufficient space for your answers, please use the space provided below.

ITEM CONTINUATION


GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and per 1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.  
Notify this office if ownership or address changes occur during the coming year.

2003 SEP -9 AM 9:24

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1999

DIV OF WATER RIGHTS  
SACRAMENTO

OWNER OF RECORD: ~~SEELEY W MUDD II, MD~~

The Big Sur Land Trust,  
a California nonprofit public benefit corporation

Zad Leavy  
Law Offices of Zad Leavy and Robin Jepsen  
3785 Via Nona Marie, Suite 309  
Carmel CA 93923

STATEMENT NO: S004916

SOURCE: GARRAPATA CREEK

TRIBUTARY TO: PACIFIC OCEAN

COUNTY: MONTEREY

DIVERSION

WITHIN: NW¼ OF SW¼ SECTION 32, T17S, R1E, MB&M.

(931) 624-6060  
TELEPHONE NUMBER:  
(916) 321-4500  
YEAR OF FIRST USE: 1895  
PARCEL NO:

A. Water is used under: Riparian claim ☒ Pre 1914 right ☒ Other (explain):

B. Year of first use (Please provide if missing above)

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: Gallons Acre-feet Other

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
1996	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
1997	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
1998	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation Approx. 8 acres; Stockwatering 8 horses; Domestic 2-6

Other (specify) Barn, workshop & studio have plumbing for incidental uses.

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

None

F. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Describe any water conservation efforts you may have started:

b.

c. If credit toward beneficial use of water under claimed pre 1914 appropriative water right for water not used due to a conservation effort is claimed under section 1011 of the Water Code, please show the amounts of water conserved:

19 (af/mg) 19 (af/mg) 19 (af/mg)

2. Water quality and wastewater reclamation

a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES NO

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
P.O. BOX 2000, SACRAMENTO, CA 95812-2000  
(916) 657-2170

- b. If credit toward use under a claimed pre 1914 appropriative water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of reclaimed water used:

19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg)

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES \_\_\_\_\_ NO \_\_\_\_\_
- b. If credit toward use under a claimed pre 1914 appropriative right through substitution of groundwater in lieu of appropriated water is claimed under section 1011.5 of the Water Code, please show the amounts of groundwater used:

19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg)

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: Aug 4 2003 at Carmel, California

SIGNATURE: [Signature]

PRINTED NAME: ROBIN K. JEPSEN  
(first name) (middle init.) (last name)

COMPANY NAME: Law Offices of Ted Leary & Robin Jepsen

If there is insufficient space for your answers, please use the space provided below.

ITEM CONTINUATION


GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and per 1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.

**SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE**

If the information below is inaccurate, please line it out in red and provide current information.  
Notify this office if ownership or address changes occur during the coming year.

Please Complete and Return this Form by **JULY 1, 2007**

Primary Owner: **THE BIG SUR LAND TRUST**

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING

THE BIG SUR LAND TRUST  
C/O STEWARDSHIP COORDINATOR  
PO BOX 221864  
CARMEL, CA 93922

Source Name: **GARRAPATA CREEK**  
Tributary To: **PACIFIC OCEAN**  
County: **Monterey**  
Diversion Within: **NW¼ of SW¼ Section 32 T17S, R01E, MB&M**

STATEMENT NO.: **S004916**  
CONTACT PHONE NO.: **(831) 625 - 5523**

**RECEIVED**  
**APR 2 2007**

BY: \_\_\_\_\_

Year of First Use: **1895**  
Parcel Number: \_\_\_\_\_

DATE WATER RESOURCES  
CONTROL BOARD  
2007 JUN 26 PM 2:42  
DIVISION OF WATER RIGHTS  
SACRAMENTO

- A. **Water is Used Under:** Riparian claim ☒ Pre-1914 right ☒ Other (explain): \_\_\_\_\_  
B. **Year of First Use:** (Please provide if missing above) \_\_\_\_\_  
C. **Amount of Use:** Enter the amount (or the approximate amount) of water used each month, using the table below.

Amounts below are in: Gallons Unknown Million Gallons (MG) \_\_\_\_\_ Acre-feet (AF) \_\_\_\_\_ Other \_\_\_\_\_

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2004	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	unknown
2005	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	unknown
2006	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	unknown

- D. **Purpose of Use** – Specify number of acres irrigated, stock watered, persons served, etc.  
Irrigation 8 acres acres; Stockwatering 5 horses Domestic 1 person full time, many visitors throughout year  
Other (specify) \_\_\_\_\_  
E. **Changes in Method of Diversion** – Describe any changes in your project since your previous statement was filed.  
(New pump, enlarged diversion dam, location of diversion, etc.) no changes  
F. Please answer only those questions below which are applicable to your project.

1. Conservation of water

- a. Are you now employing water conservation efforts? YES ☒ NO ☐  
Describe any water conservation efforts you have initiated: installed water conservative toilets and shower heads. Washing Machine has been removed and all laundry is done in town.  
b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved:

Reduction in Diversions:

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

Reduction in consumptive use:

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to conservation efforts. YES ☐ NO ☐

Reviewed  
WRT 7/25/07

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree, which unreasonably affects such water for other beneficial uses? YES \_\_\_\_ NO X.
- b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used:

Amount of reduced diversion:  
Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG)

State the type of substitute water supply: \_\_\_\_\_

Amount of substitute water supply used:  
Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to the use of a substitute water supply. YES \_\_\_\_ NO \_\_\_\_.

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES \_\_\_\_ NO X.
- b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used:

Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to the use of groundwater. YES \_\_\_\_ NO \_\_\_\_.

I understand that it may be necessary to document the water savings claimed in "F" above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: 6/15/2007, 20\_\_\_\_ at Carmel, California

SIGNATURE: Heather Brady

PRINTED NAME: Heather J Brady  
(first name) (middle initial) (last name)

COMPANY NAME: The Big Sur Land Trust

If there is insufficient space for your answers, please use the space provided below.

ITEM	CONTINUATION
_____	_____
_____	_____
_____	_____
_____	_____

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.



S004916%\$%2005

2003, 2004, 2005

**SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE**

If the information below is inaccurate, please line it out in red and provide current information.  
Notify this office if ownership or address changes occur during the coming year.

**Please Complete and Return This Form by JULY 1, 2005.**

**\*If the mail recipient's name, address or phone No. is wrong or missing, please correct.**

**Owner of Record:** THE BIG SUR LAND TRUST;

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING:

~~LAW OFFICES OF ZAD LEAVY & ROBIN JEPSEN~~ Big Sur Land Trust

~~3785 VIA NONA MARIE, STE 309~~  
~~CARMEL, CA 93923~~

STATEMENT NO. S004916

CONTACT PHONE NO. (831) 624-6060

625-5523

Stewardship Coordinator *CU*  
P.O. Box 221864  
Carmel, CA 93922

**Source Name:** GARRAPATA CREEK

**Tributary To:** PACIFIC OCEAN

**County:** Monterey

**Diversion Within:** NW1/4 of SW1/4 Section 32, T17S, R01E, MB&M

**Year of First Use:** 1895

**Parcel Number:**

A. **Water is Used Under:** Riparian claim ☒ Pre-1914 right ☒ Other (explain):

B. **Year of First Use:** (Please provide if missing above)

C. **Amount of Use:** Enter the amount (or the approximate amount) of water used each month, using the table below.

Amounts below are in: Gallons				Million Gallons (MG)				Acre-feet (AF)				Other	Total Annual
Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	
2003	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	-
2004	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	-
2005	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	-

D. **Purpose of Use** - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 8 acres acres; Stockwatering 8 horses; Domestic 2-6

Other (specify) Barn, workshop + studio have been plumbed for incidental use

E. **Changes in Method of Diversion** - Describe any changes in your project since your previous statement was filed.  
(New pump, enlarged diversion dam, location of diversion, etc.) None

F. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Are you now employing water conservation efforts? YES ☐ NO ☒

Describe any water conservation efforts you have initiated:

b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved:

Reduction in Diversions:

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

Reduction in consumptive use:

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to conservation efforts. YES ☐ NO ☐

*1/5*  
*wendy*  
*5/31/06*  
*CU*

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree, which unreasonably affects such water for other beneficial uses? YES \_\_\_\_ NO X
- b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used:

Amount of reduced diversion:

Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG)

State the type of substitute water supply: \_\_\_\_\_

Amount of substitute water supply used:

Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to the use of a substitute water supply. YES \_\_\_\_ NO \_\_\_\_

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES \_\_\_\_ NO X
- b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used:

Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to the use of groundwater. YES \_\_\_\_ NO \_\_\_\_

I understand that it may be necessary to document the water savings claimed in "F" above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: April 10, 2006 at Big Sur Land Trust, Carmel, California

SIGNATURE: Heather J. Brady

PRINTED NAME: Heather J. Brady  
(first name) (middle initial) (last name)

COMPANY NAME: Big Sur Land Trust

If there is insufficient space for your answers, please use the space provided below.

ITEM	CONTINUATION
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.



Went updated  
8-21-96  
WES

## SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.  
Notify this office if ownership or address changes occur during the coming year.

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1996.

OWNER OF RECORD: ~~GARY L STONE VP~~

Dr. Sealey W. Mudd, II

~~BERNSTEIN, ZERBE & BUCK  
P.O. BOX 607  
PACIFIC GROVE, CA 93950~~

SOURCE: GARRAPATA CREEK  
TRIBUTARY TO: PACIFIC OCEAN  
COUNTY: MONTEREY  
DIVERSION

Janet K. Goldsmith  
Kronick, Moskovitz, Tiedemann & Girard  
400 Capitol Mall, 27th Floor  
Sacramento, CA 95814

STATEMENT NO: S004916

TELEPHONE NUMBER:

YEAR OF FIRST USE: 1895

PARCEL NO:

WITHIN: NW $\frac{1}{4}$  OF SW $\frac{1}{4}$  SECTION 32, T17S, R1E, MB&M.

A. Water is used under: Riparian claim ☒; Pre 1914 right ☒; Other (explain) \_\_\_\_\_

B. Year of first use (Please provide if missing above) \_\_\_\_\_

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☐ Acre-feet ☐ (other) \_\_\_\_\_

YEAR	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT	OCT.	NOV.	DEC.	TOTAL ANNUAL
1993	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
1994	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
1995	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation approx. 8 acres; Stockwatering 8 horses; Domestic 6

Other (specify) Barn, workshop and studio have plumbing for incidental uses.

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

No major changes; intake pipe extended upstream due to shift in stream channel as a result of flooding.

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

NA

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 12 August, 1996, at Sacramento, CA, California

SIGNATURE: Janet K. Goldsmith

PRINTED NAME: Janet

K.

Goldsmith

(FIRST NAME)

(M. NAME)

(LAST NAME)

COMPANY NAME: Kronick, Moskovitz, Tiedemann + Girard

400 Capitol Mall, 27th Floor Sacramento 95814

See back of page for General Information. If there is insufficient space for your answers, please number them in the space provided on the back of this form.



WR

KRONICK  
MOSKOVITZ  
TIEDEMANN  
& GIRARD  
A PROFESSIONAL CORPORATION

JANET K. GOLDSMITH

August 12, 1996

Edward C. Anton, Chief  
Division of Water Rights  
State Water Resources Control Board  
Post Office Box 2000  
Sacramento, CA 95812-2000

Re: Change of Licensee for License 10063 - A 22781  
Change of Owner of Record on Statement S004916  
Designation of Agent

Dear Mr. Anton:

Enclosed are the following:

- a) Supplemental Statement of Water Diversion and Use, Statement No. S004916.
- b) Report of Licensee for License 10063

The Owner of Record for both the Statement and the Report are in error and should be corrected to identify either "Dr. Seeley W. Mudd, II" or "First Interstate Bank of California as Trustee of the Seeley W. Mudd, II Revocable Trust" as the holder of the water rights. The address of the bank trustee is:

Wells Fargo Bank  
333 S. Grand Avenue  
Suite 540  
Los Angeles, CA 90017  
Attention: Tom Horner

- c) A letter designating Janet K. Goldsmith as agent in all matters relating to the above two water rights.

Please let me know if you need the designation to be executed by the bank trustee. It was Dr. Mudd's and my belief that since Dr. Mudd is the sole beneficiary, and the trust is revocable by him, his signature should be sufficient for the designation.

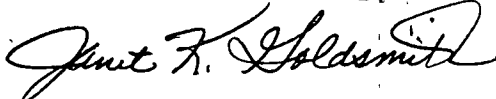
Edward C. Anton, Chief  
August 12, 1996  
Page 2

9339.2

Thank you for your kind attention.

Sincerely,

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD  
A Professional Corporation



JANET K. GOLDSMITH  
Attorney for Dr. Seeley W. Mudd, II

Encl.

cc: Dr. Seeley W. Mudd, II  
Seymour Bond  
Edward G. Bernstein

258758.1

KRONICK  
MOSKOVITZ  
TIEDEMANN  
& GIRARD  
A PROFESSIONAL CORPORATION  
400 CAPITOL MALL,  
27<sup>TH</sup> FLOOR  
SACRAMENTO, CA  
95814-4417  
TEL: (916) 321-4500  
FAX: (916) 321-4555

STATE WATER RESOURCES  
CONTROL BOARD

96 AUG 14 PM 1:07  
DIV. OF WATER RIGHTS  
SACRAMENTO